

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALPHONSO BOUTIRE,

Plaintiff,

v.

Case No. 12-14611
Honorable Patrick J. Duggan

LAKRESSE R. JOHNSON and
GERALD MITCHELL,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR
RECONSIDERATION OF ORDER DENYING APPOINTMENT OF COUNSEL**

Plaintiff filed this *pro se* civil rights action on October 18, 2012, alleging that Defendants were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment to the United States Constitution. Plaintiff was a Michigan prisoner when he initiated this lawsuit. He was paroled on November 14, 2012. On October 19, 2012, Plaintiff filed a motion requesting that counsel be appointed to represent him. (ECF No. 3.) The Court denied the motion without prejudice on November 29, 2012. (ECF No. 9.) On January 14, 2013, Plaintiff filed a motion in which he requested *inter alia* reconsideration of the Court's to deny his motion for counsel. (ECF No. 20.)

Eastern District of Michigan Local Rule 7.1(h) provides the standard for motions for reconsideration. Pursuant to the rule, such motions "*must* be filed within 14 days after entry of the judgment or order." E.D. Mich. LR 7.1(h)(1) (emphasis added). The rule further provides that a motion for reconsideration only should be granted if the movant

demonstrates that the Court and the parties have been misled by a palpable defect and that a different disposition of the case must result from a correction of such a palpable defect.

Id. A motion that merely presents the same issues already ruled upon by the Court shall not be granted. *Id.*

Plaintiff's motion for reconsideration was not timely filed. He also fails to convince the Court that it committed a palpable defect in denying his motion. Notably, the Court denied the motion without prejudice. As the Court indicated in its decision, if the Court concludes as the litigation proceeds that the appointment of counsel for Plaintiff is necessary, it will then do so. Plaintiff need not renew his motion before then.

Accordingly,

IT IS ORDERED, that Plaintiff's Motion for Reconsideration (ECF No. 20) is **DENIED**.

Dated: April 5, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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